

**IN THE UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF ALABAMA  
EASTERN DIVISION**

MELVIN E. GUILFORD; an individual,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No.
	)	
WALGREEN CO., a foreign corporation;	)	
	)	
Defendant.	)	

**NOTICE OF REMOVAL**

COMES NOW the Defendant, Walgreen Co., a corporation, incorrectly designated in the Complaint as Walgreen Co., a foreign corporation, as the only named Defendant in this action, and pursuant to 28 U.S.C. § 1441(a) files this Notice of Removal and hereby removes this action to this Court from the Circuit Court of St. Clair County, Alabama. In support of this Notice of Removal, Defendant Walgreen Co., a corporation, states as follows:

1. This is a civil action for damages filed in the Circuit Court of St. Clair County, Pell City Division whereby the Plaintiff claims that the Defendant Walgreen Co. was guilty of negligence, wantonness, and premises liability for a fall he sustained or claims to have sustained on October 2, 2020.

2. This action was commenced by the Plaintiff filing his Complaint in the Circuit Court of St. Clair County, Pell City Division, on or about September 27, 2022. While the Complaint made no specific demand for a monetary

judgment, a claim was made for the sum of \$250,000 by correspondence dated March 24, 2022, a copy which is attached hereto and marked as Exhibit A. Plaintiff is claiming to have incurred medical expenses totaling \$80,381 as reflected a medical summary attached hereto as Exhibit B. A true and correct copy of the original Complaint and all other pleadings are attached hereto and collectively marked as Exhibit C.

3. This action is removable because the amount in controversy is in excess of the sum of \$75,000 exclusive of interest and costs.

4. This action is removable under 28 U.S.C. § 1441(a) because it is a civil action over which this Court has original diversity jurisdiction under the provisions of 28 U.S.C. § 1332.

5. There exists complete diversity of citizenship between the Plaintiff who is resident citizen of St. Clair County, Alabama, and the Defendant, Walgreen Co. is a resident citizen of a state other than the State of Alabama. Walgreen Co. is incorporated in the State of Delaware with its principal place of business located in the State of Illinois and as such is a citizen of a state other than the state of the Plaintiff's citizenship and the state where the action is pending.

6. Defendant Walgreen Co. denies it was guilty of any negligence, wantonness or premises liability which would entitle the Plaintiff to recover an award of any damages, but it is evident that if Plaintiff does prevail in his claim

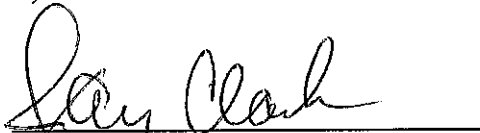
that the recovery may well exceed the required jurisdictional amount of \$75,000.

7. This Notice of Removal is timely filed pursuant to 28 U.S.C. §1446(b) in that this Notice of Removal is being filed within thirty (30) days after the filing of the Plaintiff's Complaint in the Circuit Court of St. Clair County, Alabama.

8. Written notice of filing of this Notice of Removal is being sent to the Plaintiff's attorney, being the only adverse party. A Notice of Notice of Removal is being filed with the Clerk of the Circuit Court of St. Clair County, Pell City Division, Alabama as provided by 28 U.S.C. § 1446(d).

9. The undersigned has read this Notice of Removal and to the best of the undersigned's knowledge, information, and belief, formed after a reasonable inquiry, the undersigned represents that this Notice of Removal is well grounded in fact as well as warranted by existing law. The undersigned certifies that this Notice of Removal is not being interposed for any improper purposes such as to cause unnecessary delay, or a needless increase in the cost of litigation.

Done this the 14 day of October, 2022.



John W. Clark, Jr.  
ASB-2581-c61j



Bradley J. Smith  
ASB-6847-b52s

Clark, Hair & Smith, P.C.

100 Urban Center Drive, Suite 125  
Birmingham, Alabama 35242  
205-397-2900  
205-397-2901 – Fax  
Email: [jclark@chslaw.com](mailto:jclark@chslaw.com)  
Email: [bsmith@chslaw.com](mailto:bsmith@chslaw.com)

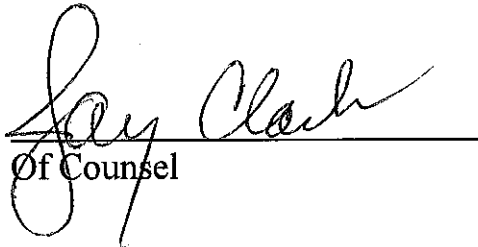
*Attorneys for Defendant Walgreen Co.*

**DEFENDANT DEMANDS TRIAL BY JURY OF ALL ISSUES HEREIN**

**CERTIFICATE OF SERVICE**

I hereby certify that on this the 14 day of October, 2022, the foregoing was mailed to the U.S. District Court for the Northern District of Alabama, Eastern Division for filing. I hereby certify that on that same day, participants to whom the foregoing is due will have a copy of same placed in the United States mail, first class postage prepaid and properly addressed this same day.

D. Kevin Barnes  
Shunnarah Injury Lawyers, P.C.  
3626 Clairmont Avenue  
Birmingham, AL 35222  
205-983-8122  
E: [kbarnes@asilpc.com](mailto:kbarnes@asilpc.com)

  
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Of Counsel